

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated December 8, 2004. Upon entry of this Amendment, claims 1, 3-13 and 15-24 will remain pending in this application. Independent claims 1 and 13 have been amended by incorporating the features of previous claims 2 and 14 into claims 1 and 13 respectively. Hence, no new matter is incorporated by this Amendment. Moreover, the changes to claims 1 and 13 are not believed to present any new issues which would require an additional search. Hence, entry and consideration of this Amendment are respectfully requested.

The sole remaining issue concerns the rejection of the claims under 35 U.S.C. 103 as obvious based on Seiler (U.S. Pat. No. 4,224,233) or Schilling (U.S. Pat. No. 6,015,920) in view of Seiler (U.S. Pat. No. 4,196,139) and Bowman et al. (U.S. Pat. No. 5,559,264). Applicants respectfully traverse this rejection.

The present invention, as described in independent claims 1 and 13 (one of which the remaining claims depend), concerns a method for preparing chloropropyltrichlorosilane. The method includes reacting allyl chloride with trichlorosilane in a reaction column under a pressure between 1 bar and 25 bar, in the presence of a heterogeneous platinum catalyst. In the method, the trichlorosilane is added in excess during start-up, and the temperature along the reaction column is between 90°C and 190°C. Moreover, distillation takes place simultaneously with the reaction in the reaction column.

As Applicants asserted in the previous Amendment, none of the cited patents teach or fairly suggest each of the features of the independent claims. Specifically, none of the cited patents teach or fairly suggest reacting the reagents in a reaction column. Moreover, since none teach the use of a reaction column, none of the cited patents can teach or fairly suggest the claimed temperature range along the reaction column. Furthermore, none of

the cited patents teach or fairly suggest a method where distillation takes place simultaneously with the reaction in the reaction column.

As discussed above, none of the cited patents teach or fairly suggest employing a reaction column. Both Seiler patents teach performing the reaction in a three-necked flask having a glass tube inserted in one of the necks. See the Examples of either patent. Likewise, Schilling uses a one-liter glass reactor. See Example 1. Furthermore, Bowman employs a four-necked flask fitted with septum, condenser, addition funnel, thermometer, magnetic stirrer and heating mantle. See Example 1. Hence, since none of the cited patents teach or fairly suggest employing a reaction column, none of them can teach or fairly suggest the temperature along the reaction column being between 90°C and 190°C or that distillation takes place simultaneously with the reaction in the reaction column. Moreover, there is nothing in the combined teachings of the cited documents which would motivate one of ordinary skill in the art to employ a reaction column.

The Office Action asserts that using a column to perform the reaction is well known in the prior art. However, Applicants again stress that none of the four patents included in the rejection teach this feature. The Office Action seems to suggest that Applicants specification (at the paragraph bridging pages 2 and 3) discloses that using such a reaction column is well known. However, Applicants again note that this rejection is not based on Applicants specification. Moreover, Applicants submit that the instant specification does not teach that employing a reaction column to perform the claimed method is well known.

Applicants submit herewith an Inventor signed Declaration which explains what is suggested by the specification paragraph cited in the Office Action. In summary, the Declaration explains that DE 41 19 994 discloses the reaction of hydrosilane with allylchloride, but neither teaches nor fairly suggests using a reaction column or the claimed temperature range along the reaction column. The reference to a column filled with

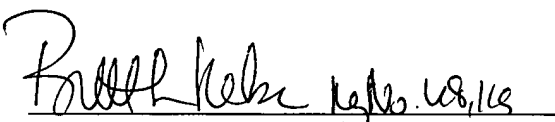
platinized activated charcoal was merely shown to illustrate a problem that would exist even if Applicants' reaction column were used (i.e. if the reaction were carried out under normal pressure.) The Declaration details that only Applicants present invention teaches using a distillation reaction column wherein distillation takes place simultaneously with the reaction in the reaction column.

In view of the above remarks and attached declaration, Applicants submit this rejection is overcome and request that it be withdrawn. Moreover, Applicants respectfully submit this application is in condition for immediate allowance.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 032301.225.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 
Robert G. Weilacher, Reg. No. 20,531
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329

Dated: March 7, 2005
RGW/BLN